

be a part of denying the public the chance to benefit from the promised result, I cast my vote "aye".

JOHNSON

RECESS

On motion of Senator Brooks, the Senate at 8:29 p.m. took recess until 10:30 a.m. tomorrow.

FIRST DAY

(Continued)

(Wednesday, June 3, 1987)

AFTER RECESS

The Senate met at 10:30 a.m. and was called to order by Senator Brooks.

Senator Montford was recognized and introduced the following staff persons of the Legislative Council: David A. Kramer, Rita Arneil and Sarah Haynie.

Senator Montford stated, "Oftentimes the staff members' hard work goes unheralded, and I'd like to recognize three individuals from Legislative Council that did yeoman's service on the tort reform package, and I'd like to have these remarks recorded in the Journal because of the tremendous amount of hard work and long hours that they worked in getting the bill out. Members, I hope you'll express your appreciation to these hardworking public servants."

SENATE CAUCUS

The Presiding Officer, Senator Brooks in Chair, at 10:35 a.m. announced the Senate would caucus, and that the Senate would stand At Ease Subject to the Call of the Chair.

IN LEGISLATIVE SESSION

Senator Brooks called the Senate to order at 10:47 a.m. as In Legislative Session.

MESSAGE FROM THE HOUSE

House Chamber
June 3, 1987

HONORABLE W. P. HOBBY
PRESIDENT OF THE SENATE

SIR: I am directed by the House to inform the Senate that the House has passed the following:

S.B. 2, Relating to the provision and regulation of certain liability insurance; providing penalties.

S.B. 5, Relating to revising the Civil Practice and Remedies Code.

S.B. 6, Relating to prejudgment interest in civil actions.

S.B. 7 Relating to the venue of certain civil actions.

S.B. 8, Relating to the creation, powers, and duties of the division of risk management.

S.B. 9, Relating to the creation and operation of the Texas Nonprofit Organizations Liability Pool.

Respectfully,

BETTY MURRAY, Chief Clerk
House of Representatives

SENATE RESOLUTION 3
(Caucus Report)

Senator Brooks offered the following resolution:

Honorable William P. Hobby
President of the Senate
Austin, Texas

Sir:

At a caucus held on June 3, 1987, and attended by 21 Members of the Senate, the following recommendations were made, to wit:

BE IT RESOLVED by the Senate, That:

The Lieutenant Governor may employ such employees as are necessary for the operation of his office from the closing of this session and until the convening of the next session, and in addition thereto, he and the Secretary of the Senate shall be furnished postage, telegraph, telephone, express, and all other expenses incident to their respective offices.

The Secretary of the Senate shall be retained during the interval between adjournment of this session and the convening of the next session of the Legislature. The Secretary of the Senate may employ such employees as are necessary for the operation of her office and to perform duties as may be required in connection with the business of the state from the closing of this session and until the convening of the next session. All employees and elected officers of the Senate shall operate under the direct supervision of the Secretary of the Senate during the interim.

The Administration Chairman is authorized to retain a sufficient number of staff employees to conclude the work of the Enrolling Clerk, Calendar Clerk, Journal Clerk, and Sergeant-at-Arms. The Committee on Administration shall establish the salaries to be paid the Senate staff.

The Chairman of the Senate Committee on Administration is hereby authorized and directed to cause the Senate Chamber to be placed in order and to purchase such supplies and to make all such repairs and improvement as are necessary between the adjournment of this session and the convening of the next session of the Legislature and make an inventory of all furniture and fixtures in the Senate Chamber and in the private offices of the Members, as well as of the supplies and equipment on hand in the Purchasing and Supply Department and close his books for the First Called Session of the 70th Legislature. No equipment shall be acquired on a rental/purchase plan unless such equipment be placed on the Senate inventory at the termination of such plan. He shall also examine records and accounts payable out of the Contingent Expense Fund as shall be necessary properly to approve all claims and accounts against the Senate, and no claim or account shall be paid without his consent and approval, and he and any member of the Administration Committee shall be entitled to receive his actual and necessary expenses incurred during the interim; and, be it further

RESOLVED, That there shall be printed 325 volumes of the Senate Journal of the First Called Session of the 70th Legislature; when complete 250 copies shall be bound in buckram and delivered to the Secretary of the Senate; one volume thus bound shall be forwarded by the Secretary of the Senate to each member of the

Senate, the Lieutenant Governor and to each member of the House of Representatives on request. The printing of such journals shall be done in accordance with the provisions of this Resolution under the supervision of the Chairman of the Committee on Administration; provided, further, that it shall be the duty of said chairman to refuse to receive or receipt for said Senate Journals until corrected and published in accordance with the preexisting law as finally approved by the Chairman of the Committee on Administration of the Senate. When the accounts have been certified by the Chairman of the Committee on Administration of the Senate, said accounts shall be paid out of the Contingent Expense Fund of the 70th Legislature; and, be it further

RESOLVED, That all salaries and expenses herein authorized to be incurred and paid for shall be paid out of the per diem and Contingent Expense Fund of the 70th Legislature as follows: The Senate shall request the State Comptroller of Public Accounts to issue general revenue warrants for payment of the employees of the Lieutenant Governor's office, the Lieutenant Governor, Members of the Senate, employees of the Senate committees, and employees of the Senate, except as provided in Section 20 of the Legislative Reorganization Act (Article 5429f, Vernon's Texas Civil Statutes), upon presentation of the payroll account signed by the Chairman of the Administration Committee and the Secretary of the Senate; and for the payment of materials, supplies, and expenses of the Senate, including travel expenses for Members and employees, upon vouchers signed by the Chairman of the Senate Committee on Administration and the Secretary of the Senate; and, be it further

RESOLVED, That in furtherance of the legislative duties and responsibilities of the Senate, the Administration Committee is hereby authorized and directed to charge to the individual Member's office budget as hereinafter authorized: (1) reimbursement of all actual expenses incurred by the Members when traveling in performance of such duties and responsibilities or incident thereto, and (2) payment of all other reasonable and necessary expenses for the operation of the office of the individual Senator during any period the Legislature is not in session. Expenditures for these services by the Administration Committee as hereby authorized as an expense of the Senate shall not be restricted to Austin but may be incurred in individual senatorial districts. Such expenses shall be paid from funds appropriated for the use of the Senate on vouchers approved by the Chairman of the Administration Committee and the Secretary of the Senate in accordance with regulations governing such expenditures; and, be it further

RESOLVED, That for the time period from the end of the 70th Legislature, First Called Session, until the convening of the next regular or special session, each Senator shall be permitted to employ secretarial and other office staff and for intrastate travel expenses for staff employees a maximum payroll of \$13,500.00 per month. Other expenses including travel expenses or other reasonable and necessary expenses incurred in the furtherance and performance of legislative duties or in operation of his office or incident thereto, shall be provided in addition to the maximum salary authorized.

In order to accrue vacation leave, compensatory/overtime leave, or sick leave, employees of Members must file monthly time sheets with the Senate Personnel Office by the 10th of the month following the month in which work was performed. Employees of Members and committees must use compensatory/overtime accrued in a given month by the end to the same month of the following year. Compensatory/overtime accrued prior to January 1, 1987, will not be carried forward after January 1, 1988. No compensatory/overtime will be paid at either the end of the fiscal year or at an employee's termination; and, be it further

RESOLVED, That the Lieutenant Governor shall have the authority to appoint any Member of the Senate, the Secretary of the Senate, or other Senate

employee to attend meetings of the National Conference of State Legislatures and other similar meetings. Necessary and actual expenses are hereby authorized upon the approval of the Chairman of the Administration Committee and the Secretary of the Senate; and, be it further

RESOLVED, That each of the standing committees and subcommittees of the Senate of the 70th Legislature be authorized to continue to meet at such times and places during the interim as determined by such committees and subcommittees and to hold hearings, recommend legislation, and perform research on matters directed either by Resolution, the Lieutenant Governor, or as determined by majority vote of each committee. Each continuing committee and subcommittee shall continue to function under the rules adopted during the legislative session where applicable. Expenses for the operation of these committees and subcommittees are hereby authorized to be paid pursuant to a budget prepared by each committee and approved by the Administration Committee; and, be it further

RESOLVED, That the operating expenses of this committee shall be paid from the Contingent Expense Fund of the Senate, and the committee members shall be reimbursed for their actual expenses incurred in carrying out the duties of the committee.

Any Members not returning for the 71st Legislature will vacate their Senate offices by December 15, 1988; and, be it further

RESOLVED, That no employee of the Senate shall during the time he or she is employed furnish to any person, firm, or corporation any information other than general information furnished the public pertaining to the Senate, and they shall not without permission receive any compensation from any person, firm, or corporation during their employment by the Senate, and any employee found guilty of violating this provision shall be immediately discharged; and, be it further

RESOLVED, That the Secretary of the Senate is specifically directed not to permit the removal of any of the property of the Senate from the Senate Chamber or the rooms of the Senate except as authorized by the Chairman of the Administration Committee.

Respectfully submitted,

/s/Brooks

Chairman of the Caucus

/s/Harris

Secretary of the Caucus

The resolution was read and was adopted viva voce vote.

ELECTION OF PRESIDENT PRO TEMPORE AD INTERIM, SEVENTIETH LEGISLATURE

The Presiding Officer, Senator Brooks in Chair, announced that the election of the President Pro Tempore, Ad Interim, 70th Legislature, was the next order of business.

On motion of Senators Sims, Senator Roy Blake of Nacogdoches was elected by acclamation.

Senators Sims and Armbrister escorted Senator Blake to the President's Rostrum.

OATH OF OFFICE

The Honorable Jack Rains, Secretary of State, administered the Oath of Office to Senator Blake.

Senator Blake once again expressed his pleasure for the opportunity to serve as President Pro Tempore of the Senate.

MOTION TO ADJOURN SINE DIE

Senator Brooks at 10:55 a.m. moved that the Senate of the 70th Legislature, 1st Called Session, adjourn sine die upon the completion of administrative duties.

The motion prevailed.

BILLS SIGNED

(Senator Jones in Chair)

The Presiding Officer announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bill:

S.B. 2

(Senator Montford in Chair)

The Presiding Officer announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

S.B. 5

S.B. 6

S.B. 7

(Senator Farabee in Chair)

The Presiding Officer announced the signing in the presence of the Senate, after the caption had been read, the following enrolled bills:

S.B. 8

S.B. 9

CONGRATULATORY RESOLUTION

S.R. 2 - By Barrientos: Extending congratulations to Belle Crehan Dix.

ADJOURNMENT SINE DIE

The Presiding Officer, Senator Brooks in Chair, announced that the hour for final adjournment of the 1st Called Session, 70th Legislature, had arrived.

Senator Brooks at 11:10 a.m. announced that all administrative duties had been accomplished and, in accordance with a previously adopted motion, declared the 1st Called Session of the 70th Legislature adjourned sine die.

APPENDIX

Sent to Governor
(June 3, 1987)

S.B. 2

S.B. 5

S.B. 6

S.B. 7

S.B. 8

S.B. 9

Signed by Governor
(June 16, 1987)

S.B. 2 (Effective September 2, 1987)

S.B. 5 (Effective September 2, 1987)

S.B. 6 (Effective September 2, 1987)

S.B. 7 (Effective September 2, 1987)
S.B. 8 (Effective September 2, 1987)
S.B. 9 (Effective September 1, 1987)

**SENATE BILLS AND SENATE JOINT RESOLUTIONS,
AUTHORS OF
(In Alphabetical Order of Authors)**

(Note — The number following subject indicates page where introduced. See “History of Senate Bills” and “History of Senate Joint Resolutions” for History of Bills and Resolutions.)

ANDERSON, SENATOR RICHARD

S.B. 2 — Relating to the provision and regulation of certain liability insurance, 2.

S.B. 5 — Relating to revising the Civil Practice and Remedies Code to reform procedures and remedies in civil actions for personal injury, property damage or death and civil actions based on tortious conduct, including revisions and additions to laws governing the determination of and limitations on liability and damages, 2.

S.B. 6 — Relating to prejudgment interest in civil cases, 2.

S.B. 7 — Relating to the venue of certain civil actions, 2.

BROWN, SENATOR J. E. (BUSTER)

S.B. 5 — Relating to revising the Civil Practice and Remedies Code to reform procedures and remedies in civil actions for personal injury, property damage or death and civil actions based on tortious conduct, including revisions and additions to laws governing the determination of and limitations on liability and damages, 2.

S.B. 6 — Relating to prejudgment interest in civil cases, 2.

S.B. 7 — Relating to the venue of certain civil actions, 2.

FARABEE, SENATOR RAY

S.B. 8 — Relating to the creation, powers and duties of the Division of Risk Management, 5.

S.B. 9 — Relating to the creation and operation of the Texas Nonprofit Organizations Liability Pool, 5.

JONES, SENATOR GRANT

S.B. 2 — Relating to the provision and regulation of certain liability insurance, 2.

MONTFORD, SENATOR JOHN

S.B. 5 — Relating to revising the Civil Practice and Remedies Code to reform procedures and remedies in civil actions for personal injury, property damage or death and civil actions based on tortious conduct, including revisions and additions to laws governing the determination of and limitations on liability and damages, 2.

S.B. 6 — Relating to prejudgment interest in civil cases, 2.

S.B. 7 — Relating to the venue of certain civil actions, 2.